

B 5 (Official Form 5) (12/07)

|   |  |  |  |
|---|--|--|--|
| <b>UNITED STATES BANKRUPTCY COURT</b><br>District of Minnesota  |  | <b>INVOLUNTARY PETITION</b>  |  |
| IN RE (Name of Debtor – If Individual: Last, First, Middle)<br>American Bancorporation  |  | ALL OTHER NAMES used by debtor in the last 8 years<br>(Include married, maiden, and trade names.)  |  |
| Last four digits of Social-Security or other Individual's Tax-I.D. No./Complete EIN<br>(If more than one, state all.):<br>41-0988463  |  |  |  |
| STREET ADDRESS OF DEBTOR (No. and street, city, state, and zip code)<br>1578 University Avenue West, St. Paul, MN 55104<br><br>COUNTY OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS<br>Ramsey County  |  | MAILING ADDRESS OF DEBTOR (If different from street address)<br><br><br><div style="text-align: right;">ZIP CODE</div>   |  |
| <div style="text-align: right;">ZIP CODE<br/>55104</div>  |  | <div style="text-align: right;">ZIP CODE</div>   |  |
| LOCATION OF PRINCIPAL ASSETS OF BUSINESS DEBTOR (If different from previously listed addresses)   |  |  |  |
| CHAPTER OF BANKRUPTCY CODE UNDER WHICH PETITION IS FILED<br><div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> Chapter 7           <input checked="" type="checkbox"/> Chapter 11         </div>  |  |  |  |
| <b>INFORMATION REGARDING DEBTOR (Check applicable boxes)</b>  |  |  |  |
| <b>Nature of Debts</b><br>(Check one box.)<br><br>Petitioners believe:<br><br><input type="checkbox"/> Debts are primarily consumer debts<br><input checked="" type="checkbox"/> Debts are primarily business debts   | <b>Type of Debtor</b><br>(Form of Organization)<br><input type="checkbox"/> Individual (Includes Joint Debtor)<br><input checked="" type="checkbox"/> Corporation (Includes LLC and LLP)<br><input type="checkbox"/> Partnership<br><input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)<br>_____ | <b>Nature of Business</b><br>(Check one box.)<br><input type="checkbox"/> Health Care Business<br><input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51)(B)<br><input type="checkbox"/> Railroad<br><input type="checkbox"/> Stockbroker<br><input type="checkbox"/> Commodity Broker<br><input type="checkbox"/> Clearing Bank<br><input checked="" type="checkbox"/> Other<br><div style="text-align: right;">Bank Holding Company</div>                      |  |
| <b>VENUE</b><br><br><input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in the District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.<br><br><input type="checkbox"/> A bankruptcy case concerning debtor's affiliate, general partner or partnership is pending in this District.  |  | <b>FILING FEE (Check one box)</b><br><br><input checked="" type="checkbox"/> Full Filing Fee attached<br><br><input type="checkbox"/> Petitioner is a child support creditor or its representative, and the form specified in § 304(g) of the Bankruptcy Reform Act of 1994 is attached.<br><i>[If a child support creditor or its representative is a petitioner, and if the petitioner files the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.]</i> |  |
| <b>PENDING BANKRUPTCY CASE FILED BY OR AGAINST ANY PARTNER OR AFFILIATE OF THIS DEBTOR (Report information for any additional cases on attached sheets.)</b>  |  |  |  |
| Name of Debtor  | Case Number  | Date   |  |
| Relationship  | District   | Judge  |  |
| <b>ALLEGATIONS</b><br>(Check applicable boxes)<br><br>1. <input checked="" type="checkbox"/> Petitioner (s) are eligible to file this petition pursuant to 11 U.S.C. § 303 (b).<br>2. <input checked="" type="checkbox"/> The debtor is a person against whom an order for relief may be entered under title 11 of the United States Code.<br>3.a. <input checked="" type="checkbox"/> The debtor is generally not paying such debtor's debts as they become due, unless such debts are the subject of a bona fide dispute as to liability or amount;<br><div style="text-align: center;">or</div> b. <input type="checkbox"/> Within 120 days preceding the filing of this petition, a custodian, other than a trustee receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession. |  | COURT USE ONLY   |  |

B 5 (Official Form 5) (12/07) – Page 2

Name of Debtor American Bancorporati

Case No. \_\_\_\_\_

| <b>TRANSFER OF CLAIM</b>   |  |   |  |
|--|--|---|--|
| <input type="checkbox"/> Check this box if there has been a transfer of any claim against the debtor by or to any petitioner. Attach all documents that evidence the transfer and any statements that are required under Bankruptcy Rule 1003(a).  |  |   |  |
| <b>REQUEST FOR RELIEF</b>  |  |   |  |
| Petitioner(s) request that an order for relief be entered against the debtor under the chapter of title 11, United States Code, specified in this petition. If any petitioner is a foreign representative appointed in a foreign proceeding, a certified copy of the order of the court granting recognition is attached.  |  |   |  |
| Petitioner(s) declare under penalty of perjury that the foregoing is true and correct according to the best of their knowledge, information, and belief.   |  |   |  |
| <div style="display: flex; justify-content: space-between;"> <div style="width: 90%;">                         x _____<br/>                         Signature of Petitioner or Representative (State title)<br/> <u>Alesco Preferred Funding XV, Ltd.</u> </div> <div style="width: 10%; text-align: right;">                         Date Signed _____                     </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 90%;">                         Name of Petitioner<br/> <u>by ATP Management LLC, its Collateral Manager</u> </div> <div style="width: 10%; text-align: right;">                         Date Signed _____                     </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">                         Name &amp; Mailing<br/>                         Address of Individual<br/>                         Signing in Representative<br/>                         Capacity                     </div> <div style="width: 45%;"> <u>Constantine M. Dakolias, President</u><br/> <u>1345 Avenue of the Americas</u><br/> <u>New York, NY 10105</u> </div> </div>  | <div style="display: flex; justify-content: space-between;"> <div style="width: 90%;">                         x <u>/e/ Jeffrey D. Klobucar (#389368)</u><br/>                         Signature of Attorney<br/> <u>Bassford Remele, P.A.</u> </div> <div style="width: 10%; text-align: right;">                         Date<br/> <u>05/01/2014</u> </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 90%;">                         Name of Attorney Firm (If any)<br/> <u>33 S. 6th Street, Ste. 3800, Minneapolis, MN 55402</u> </div> <div style="width: 10%; text-align: right;">                         Address<br/> <u>(612) 333-3000</u> </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 90%;">                         Telephone No.                     </div> <div style="width: 10%;"></div> </div>            |   |  |
| <div style="display: flex; justify-content: space-between;"> <div style="width: 90%;">                         x _____<br/>                         Signature of Petitioner or Representative (State title)<br/> <u>Alesco Preferred Funding XVI, Ltd.</u> </div> <div style="width: 10%; text-align: right;">                         Date Signed _____                     </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 90%;">                         Name of Petitioner<br/> <u>By ATP Management LLC, its Collateral Manager</u> </div> <div style="width: 10%; text-align: right;">                         Date Signed _____                     </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">                         Name &amp; Mailing<br/>                         Address of Individual<br/>                         Signing in Representative<br/>                         Capacity                     </div> <div style="width: 45%;"> <u>Constantine M. Dakolias, President</u><br/> <u>1345 Avenue of the Americas</u><br/> <u>New York, NY 10105</u> </div> </div> | <div style="display: flex; justify-content: space-between;"> <div style="width: 90%;">                         x <u>/e/ Jeffrey D. Klobucar (#389368)</u><br/>                         Signature of Attorney<br/> <u>Bassford Remele, P.A.</u> </div> <div style="width: 10%; text-align: right;">                         Date<br/> <u>05/01/2014</u> </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 90%;">                         Name of Attorney Firm (If any)<br/> <u>33 S. 6th Street, Ste. 3800, Minneapolis, MN 55402</u> </div> <div style="width: 10%; text-align: right;">                         Address<br/> <u>(612) 333-3000</u> </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 90%;">                         Telephone No.                     </div> <div style="width: 10%;"></div> </div>            |   |  |
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| <b>PETITIONING CREDITORS</b>   |  |   |  |
| <div style="display: flex; justify-content: space-between;"> <div style="width: 90%;">                         Name and Address of Petitioner<br/> <u>Alesco Preferred Funding XV, Ltd.</u> </div> <div style="width: 10%; text-align: right;">                         by ATP Management LLC,<br/>                         its Collateral Manager                     </div> </div>   | Nature of Claim<br><u>Trust Preferred, Guaranty</u>  | Amount of Claim<br><u>\$27,374,355.84</u>                                 |  |
| <div style="display: flex; justify-content: space-between;"> <div style="width: 90%;">                         Name and Address of Petitioner<br/> <u>Alesco Preferred Funding XVI, Ltd.</u> </div> <div style="width: 10%; text-align: right;">                         by ATP Management LLC,<br/>                         its Collateral Manager                     </div> </div>  | Nature of Claim<br><u>Trust Preferred, Guaranty</u>  | Amount of Claim<br><u>\$13,728,561.67</u>                                 |  |
| <div style="display: flex; justify-content: space-between;"> <div style="width: 90%;">                         Name and Address of Petitioner<br/> <u>Alesco Preferred Funding II, Ltd.,</u> </div> <div style="width: 10%; text-align: right;">                         by Cohen &amp; Company Financial<br/>                         Management, LLC, its Collateral<br/>                         Manager                     </div> </div>  | Nature of Claim<br><u>Trust Preferred, Guaranty</u>  | Amount of Claim<br><u>\$7,000,000.00 plus accrued and unpaid interest</u> |  |
| Note: If there are more than three petitioners, attach additional sheets with the statement under penalty of perjury, each petitioner's signature under the statement and the name of attorney and petitioning creditor information in the format above.   |  |   | Total Amount of Petitioners' Claims<br><u>\$48,102,917.51 plus accrued and unpaid interest</u> |

\_\_\_\_\_ continuation sheets attached

B 5 (Official Form 5) (12/07) - Page 2

**Name of Debtor** American Bancorporation

Case No. \_\_\_\_\_

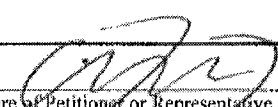
|  |   |   |
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| <p><input type="checkbox"/> Check this box if there has been a transfer of any claim against the debtor by or to any petitioner. Attach all documents that evidence the transfer and any statements that are required under Bankruptcy Rule 1003(a).</p>   |   |   |
| <p align="center"><b>REQUEST FOR RELIEF</b></p> <p>Petitioner(s) request that an order for relief be entered against the debtor under the chapter of title 11, United States Code, specified in this petition. If any petitioner is a foreign representative appointed in a foreign proceeding, a certified copy of the order of the court granting recognition is attached.</p> <p>Petitioner(s) declare under penalty of perjury that the foregoing is true and correct according to the best of their knowledge, information, and belief.</p> |   |   |
| <p><b>X</b></p> <p>Signature of Petitioner or Representative (State title)<br/><b>Alesco Preferred Funding XV, Ltd.</b></p> <p>Name of Petitioner<br/>By ATP Management LLC, its Collateral Manager</p> <p>Date Signed</p> <p>Name &amp; Mailing<br/>Address of Individual<br/>Signing in Representative<br/>Capacity</p> <p>Constantine M. Dakolias, President<br/>1345 Avenue of the Americas<br/>New York, NY 10105</p>   | <p><b>X</b></p> <p>Signature of Attorney<br/><b>Jeffrey Klobucar, Bassford Remele, PA</b></p> <p>Date</p> <p>Name of Attorney Firm (If any)<br/><b>33 S. 6th Street, Suite 3800, Minneapolis, MN 55402</b></p> <p>Address<br/><b>(612)333-3000</b></p> <p>Telephone No.</p> |   |
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| <p align="center"><b>PETITIONING CREDITORS</b></p>   |   |   |
| <p>Name and Address of Petitioner<br/><b>Alesco Preferred Funding XV, Ltd., its Collateral Manager</b></p> <p>by ATP Management LLC,</p>   | <p>Nature of Claim<br/><b>Trust Preferred, Guaranty</b></p>   | <p>Amount of Claim<br/><b>\$27,374,355.84</b></p>   |
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| <p><b>Note:</b> If there are more than three petitioners, attach additional sheets with the statement under penalty of perjury, each petitioner's signature under the statement and the name of attorney and petitioning creditor information in the format above.</p>   |   | <p><b>Total Amount of Petitioners' Claims</b><br/><b>\$48,102,917.51 plus accrued and unpaid interest</b></p> |

continuation sheets attached

B 5 (Official Form 5) (12/07) - Page 2

Name of Debtor American Bancorporation

Case No. \_\_\_\_\_

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| <p><input checked="" type="checkbox"/>  <u>PRESIDENT</u><br/>Signature of Petitioner or Representative (State title)<br/><u>Alesco Preferred Funding II, Ltd.</u> <u>4/30/14</u></p> <p>Name of Petitioner _____ Date Signed _____<br/>By Cohen &amp; Company Financial Management, LLC, its Collateral Manager</p> <p>Name &amp; Mailing _____<br/>Address of Individual _____<br/>Signing in Representative _____<br/>Capacity _____</p> <p style="text-align: right;">Peter Addei<br/>Circa Centre, 2929 Arch St., 17th Floor<br/>Philadelphia, PA 19104-2870</p> | <p><input checked="" type="checkbox"/> Signature of Attorney _____ Date _____</p> <p>Name of Attorney Firm (If any) _____</p> <p>Address _____</p> <p>Telephone No. _____</p>  |  |
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